

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

1. Overview

By this amendment, claims 1, 5-10, 12, 17-20, 33, 37-42, 44, 48-51 and 54-62 are pending, wherein claims 1, 6-9, 12, 17-20, 33, 38-42, 44 and 48-51 and 48 are being amended, claims 2-4, 10-11, 13-16, 21-32, 34-36, 43, 45-47 and 52-53 are being canceled without prejudice or disclaimer of the subject matter recited therein, and claims 54-62 are being added.

The Office Action (i) objected to the drawings because Figure 6 did not include reference numbers mentioned in the description within the specification, (ii) objected to the specification because of informalities on pages 2, 3 and 14, and (iii) objected to claims 12-22 due to specified informalities. Further, the Office Action rejected claims 1-10, 12-20, 23-30, 33-42, 44-51 and 52 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,796,828 to Tsukamoto et al. (Tsukamoto), and claims 11, 21, 22, 31, 32, 43 and 53 under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto in view of U.S. Patent No. 5,046,065 to Goertz.

2. Objections

The Office Action objected to the drawings because Figure 6 includes reference numbers that are not included in the specification. Applicants are submitting herewith a corrected Figure 6 and an amendment to the specification, such that the reference numbers in the specification and in Figure 6 agree. Therefore, Applicants respectfully request that the objection to the drawings be withdrawn.

The Office Action objected to the specification because of informalities on pages 2, 3 and 14. By this Amendment, the specification is corrected as suggested by the Examiner. Therefore, Applicants respectfully requests that the objection to the specification be withdrawn.

The Office Action objected to claims 12-22 because claim 12 cited "an interface coupled to system bus" and should have recited "an interface coupled to the system bus". By this Amendment, Applicants amended claim 12 accordingly. Claims 13-22 were objected to because

of their dependence from claim 12. Therefore, Applicants respectfully request that the objection to claims 12-22 be withdrawn.

3. Claim Rejections under 35 U.S.C. §102

The Office Action rejected claims 1-10, 12-20, 23-30, 33-42, 44-51 and 52 under 35 U.S.C. § 102(b) as being anticipated by Tsukamoto. Applicants have canceled claims 2-4, 10-11, 13-16, 21-32, 34-36, 43, 45-47 and 52-53, rendering the rejection of these claims moot, and submit, as specified in detail below, that the remaining claims, as amended, overcome this rejection.

Claim 1 recites a method for storing and retrieving digital data within a hardware platform. The method comprises altering a bit pattern of data bits, wherein the altering comprises one of selectively inverting bits in selected bit positions of the data bits and selectively scrambling bits in the selected positions of the data bits to prevent unauthorized use of the data bits.

Tsukamoto discloses an apparatus and a method for transmitting data between a broadcaster and a user and a limited reproduction right in the transmitted data. See Abstract and column 1, lines 38-42. The Office Action indicates that Figure 2, reference number 22 of Tsukamoto discloses altering the bit pattern of the data bits. Reference number 22 of Tsukamoto discloses an encipher for enciphering data prior to recording the data on a medium. Applicants submit that Tsukamoto does not disclose that the altering of a bit pattern of data bits comprises one of selectively inverting bits in selected bit positions of the data bits and selectively scrambling bits in the selected bit positions of the data bits to prevent unauthorized use of the data bits, as recited in claim 1. Tsukamoto is completely silent regarding this feature. Therefore, Applicants submit that claim 1 is not anticipated by Tsukamoto and respectfully request that the rejection of claim 1 be withdrawn.

Further, claims 12, 33 and 44 recite a feature similar to the previously discussed feature of claim 1. Therefore, these claims are also not anticipated by Tsukamoto for the reasons discussed above regarding claim 1, and Applicants respectfully request that the rejection of claims 12, 33 and 44 be withdrawn.

The remaining rejected claims depend from one of claims 1, 12, 33 and 44 and recite, among other things, the features of claims 1, 12, 33 and 44. Therefore, for at least the reasons mentioned above, Applicants respectfully request that the rejection to the remaining claims be withdrawn.

Further, claim 6 recites that the altering is unique to the hardware platform and claim 7 recites that the altering is relatively unique to the hardware platform. The Office Action indicates that Tsukamoto, Figure 2, reference number 28A and 29, and column 5, lines 5-10 disclose this feature. Column 5, lines 5-10 state that access controller 28A is coupled to an access condition memory 29. As a function of the signals supplied to access controller 28A by clock 27, user interface 30, modem 31, and access condition memory 29, the access controller controls the operation of encipher 22 and decipher 25. Applicants wish to point out column 10, lines 28-55 Tsukamoto, which describes the apparatus controlling reproduction of video signals based on a time or a date. Applicants submit that the description in column 5, lines 5-10 describe components of the apparatus for controlling the reproduction, such that reproduction would only be allowed under certain conditions, such as a certain time period or a certain date. The reproduction rights and whether or not data signals will be encrypted or decrypted or how the data signals are encrypted or decrypted in the apparatus disclosed by Tsukamoto do not depend on the hardware platform but, instead, depend on rights granted by a broadcaster of data. Therefore, Tsukamoto does not disclose the altering being unique to the hardware platform or being relatively unique to the hardware platform as disclosed in claims 6 and 7, respectively.

Claims 17, 18, 38, 39, 48 and 49 recite, among other things, either a feature similar to claim 6 or claim 7 and are not anticipated by Tsukamoto for at least the reasons discussed above regarding claim 6 or 7.

Claim 8 recites that the method of altering is based upon a serial number of the hardware platform. The Office Action indicates that column 4, lines 12-13 of Tsukamoto disclose this feature. The cited portion of Tsukamoto discloses that an encryption key is prestored in encipher 22 or is supplied by access control 28A. Tsukamoto is completely devoid of disclosing that the altering is based upon a serial number of the hardware platform, as recited in claim 8.

Further, claims 19, 40 and 50 recite, among other things, features similar to the previously discussed feature of claim 8 and are not anticipated by Tsukamoto for at least the reasons discussed above.

Claim 9 recites that the altering is based upon a random number. The Office Action indicates that Tsukamoto discloses this feature in Figure 2, reference numbers 27, 28A and 29 and column 4, line 52 to column 5, line 10. Applicant submits that nothing in the cited portion of Tsukamoto discloses altering being based upon a random number. The cited portion discloses that as a function of signals supplied to access controller 28A by clock 27, user interface 30, modem 31 and access condition memory 29, the access controller controls the operation of encipher and decipher 25. See Tsukamoto at column 5, lines 5-10. Applicants submit that this portion of Tsukamoto refers to information in access condition memory 29 causing the access controller to control access to the stored information by controlling operation of encipher 22 and decipher 25. The access right stored in access condition memory 29 is not a random number. Tsukamoto is completely silent regarding altering being based on a random number. Therefore, claim 9 is not anticipated by Tsukamoto.

Claims 20, 41 and 51 recite, among other things, a feature similar to the previously discussed feature of claim 9 and, for at least this reason, these claims are not anticipated by Tsukamoto.

4. Claims Rejections under 35 U.S.C. 103

The Office Action rejected claims 11, 21, 22, 31, 32, 43 and 53 under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto in view of Goertz. Applicants have canceled these claims, rendering this rejection moot, and request that this rejection be withdrawn accordingly.

5. New Claims

New claims 54-58 recite a method for storing and retrieving digital data within a hardware platform. The method comprises, among other things, altering a bit pattern by inverting bits in a first selection of bit positions of data bits. Nothing in the cited prior art discloses or suggests altering a bit pattern in this manner. Therefore, Applicants submit that claims 54-58 are patentable over the cited prior art.

Claims 59-62 recite a method for storing and retrieving digital data within a hardware platform. The method comprises, among other things, altering a bit pattern by scrambling bits of selected bit positions of data bits. Applicants submit that the cited prior does not disclose or suggest altering a bit pattern in this manner. Therefore, Applicants submit that claims 59-62 are patentable over the cited prior art.


6. Conclusion

All rejections and objections having been addressed, Applicants submit that the application is in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,

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